



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF FIRE SERVICES
RICHARD W. MILLER
STATE FIRE MARSHAL

MIKE ZIMMER
ACTING DIRECTOR

STATE FIRE SAFETY BOARD MEETING MINUTES
Thursday, June 19, 2014

Members Present

Greg Herman
Donald Hicks
Dr. Ralph Hodek
Mark Jensen
Thomas Lippens
Dean Mallos
Rich Miller, SFM
Dr. Usamah Mossallam
Kassandra Renneberg
Les Rodwell, **Chair**
Ron Sabin
John Wozniak

Members Absent

John Enkemann
David Henry
David Herbel
Andrew Lenaghan
William Mayes, Vice-Chair

Guests

Richard Gudkese, MiSHE

Michigan Department of Licensing and Regulatory Affairs Personnel

Kim Osborn, BFS/Executive Secretary to the Board

CALL TO ORDER AND DETERMINATION OF QUORUM

Meeting was called to order at 1:15 p.m. Chair Rodwell asked all to stand for the Pledge of Allegiance. Chair Rodwell requested a moment of silence for public safety officers and the military. Roll Call by Board Secretary Kim Osborn determined that a quorum was present. Chair Rodwell gave emergency exiting procedures. Chair Rodwell welcomed everyone. Introductions were made by Board Members and guests.

Agenda

Chair Rodwell requested any additions, deletions or changes to the agenda. No changes. Chair Rodwell added under Legislative Update: HB 4946 and HB 4713.

Disposition of Minutes

Chair Rodwell requested a review of Meeting Minutes of the March 27, 2014.

No changes.

A **MOTION** was made by Board Member Herman to approve the minutes. **MOTION SUPPORTED** by Board Member Sabin. **MOTION CARRIED.**

BUREAU OF FIRE SERVICE REPORT

State-Wide Single Fire Code

The report is complete and the Adhoc Committee has concluded their business. The letter was turned over to LARA for approval and they have submitted it to the Governor's office.

The recommendation was between IFC and NFPA. NFPA was the choice.

Fireworks

SFM Miller will give the Fireworks update in place of Deputy Director Deprez.

Permanent and nonpermanent Consumer Fireworks Retail Store (CFRS), to date, there have been 881 total certificates applied for. In the tent category or nonpermant structure, there have been 668 certificates issued and for permanent structures there have been 213 certificates issued to sell fireworks.

Dr. Hodek asked for clarification regarding large retail stores. SFM Miller clarified that a corporation such as Walmart only needs one certificate.

Revenue total Fire Safety Fees as of the end of May, 2014, are at \$1.7M. Certification fees for tents are at \$425,000 and certification fees for permanent structures are at \$220,000.

The locations are posted on the bureau website.

We have stepped up our enforcement this year. LARA has allowed overtime for BFS inspectors checking for safety items and certificates. This will be done around the holidays on an as needed basis.

There are 74 delegated fire departments that BFS pays 70% of the certificate fee to. Of the 74 there are several that inspect more than just their jurisdiction, they contract with their neighboring township or village communities because that community does not have their own fire prevention department. Delegated fire departments cannot write their own tickets. There is a 1-800 number on our website for after hour safety issues. Delegated fire departments call a BFS inspector for issues of enforcement and ticket writing.

There are illegal operations that we are finding.

Dr. Hodek asked for a list of delegated fire departments. That will be emailed to all board members.

SFM Miller indicated that it may be on our website.

The bureau does not track injuries from fireworks.

Audit

The Office of the Auditor General has asked for status on the 24 BFS audit findings; 4 were for informational only, 5 we have complied with, making that 9 completed out of 24. Moving forward we still need to address 15 more. Due to personnel changeover, retirements etc. we will need to transition this information to replacement personnel.

Audit finding #2 regarding the BFS not conducting public assemblage inspections as required by PA 207 is being addressed as follows. An Adhoc Committee of 14 people has been developed, Board Member Renneberg has been asked to sit on the committee as she represents Places of Public Assemblage. Other representatives include personnel from the Chamber of Commerce, the Governor's office, Michigan Fire Inspector's Society, Detroit Fire Department, Michigan Chiefs, MTA, MML, Michigan Professional Firefighters Union and bureau personnel. The first meeting was held in May; the committee is not going to meet for the summer and will reconvene in September. Our goal is to put out a survey through the different organizations as there are already fire departments out there conducting public assemblage inspections, those that have prevention bureaus in their fire departments. There are comments, we are already doing the inspections take it out of P.A. 207 and we'll do it, but the small departments can't do that they don't have anyone providing this service. We want to find out from the survey how many departments are inspecting public assemblage, what criteria are they using, what rules they are inspecting to, are they only looking at safety items, are they looking at building code issues, are they charging for this service, what is the frequency of these inspections? It will most likely be a lengthy process through the Adhoc Committee as this mandate has never been funded. Trying to figure out where we want to go with this. We are looking for answers.

Board Member Renneberg indicated she spoke to local fire chiefs and most are reactive, if they get a complaint or there's a new build they will inspect. In most cases they don't have funds to inspect on a regular basis, let alone buy equipment. It's just another unfunded mandate coming from up on the hill.

The bureau is currently attempting to gather this information.

Board Chair Rodwell inquired, was their discussion on how to fund these inspections? , Board member Renneberg found that fees were collected by some cities. Health

Departments check egress, Building Departments inspected additions there is some redundancy.

SFM Miller indicated he would like to have guest speakers at the September meeting, such as the City of Grand Rapids, which has a full Prevention Bureau that does public assembly inspections. They collect fees only from non-complying facilities they are given two changes to comply.

A city in Wisconsin for example, takes 2% from insurance premiums to fund the Fire Prevention Bureau to conduct annual inspections.

The question arose, how we will handle small areas in the U.P. such as Paradise. White Fish Bay doesn't have anyone to conduct these inspections, who will inspect these facilities? It was estimated that 90% of U.P. will fall under this scenario.

SFM Miller indicated he had spoken with the Firefighter's Union representative regarding training fire suppression folks, the firefighters and would there be any objections to training those folks? Maybe we don't really need a full blown Prevention Bureau and could use on duty personnel.

Marquette goes through all businesses annually with engine companies and conducts in house training. If we come across problems they get referred to a CFI. We don't get paid for it, we use it as training. It's a courtesy inspection we've been doing this for 15 years.

A question was raised as to using fireworks training money. Board Chair Rodwell indicated there is a push by the coalition to try to spend that money on other than fireworks training. Right now they're trying to work out a way it's divided by departments county wide.

SFM Miller indicated there was an agreement that the safety fee money was going to be used for training firefighters. Now, they are coming back saying that this money can only be used to train firefighters according to the training statute P.A. 291, and is to be disbursed to counties according to a formula of 70% population and 30% geography only for FF 1 and FF II, so it can't be used for that. The law would have to be amended to add other requirements.

Board Chair Rodwell indicated we are already using that money to pay delegated departments to inspect fireworks retail locations.

Dr. Hodek inquired; do the departments make a profit on their inspection of fireworks stands? What is there out of pocket expense? SFM Miller indicated that would be different from department to department. Board Chair Rodwell indicated it would depend on how many stands they have, how many times they have to go back to get a full approval, and how many inspectors they have. We don't really have that information.

The definition of public assemblage is currently 50 or more, maybe the definition needs to be looked at. Compare a night club to a church which is more prevalent in regard to having a fire. When 100 people die in a night club fire it needs to be addressed.

Will be political, may need new laws enacted.

Legislative Update

SB 358, Electrical Licensure Requirements still in committee, Senator Casperson hopes it stays in committee as he is not in favor of the bill along with other republicans.

HB 4585, Electronic Submittals of Architectural signature and seals, this has been put into P.A. 178 last November 2013 it is now a Public Act.

HB 4946, LPG 50 feet from a building; the Board sent letter a letter regarding this bill; it is still in committee as of September 2013.

HB 4713; now P.A. 12 of 14, regarding minimum fire drills in schools, tornado drills and lock down drills. This bill will decrease fire alarm drills from 6 to 5; 2 tornado drills remain the same and increase lock down drills from 2 to 3. Also, schools have to post completed school safety drills on their website within 30 days of the drill, and no later than September 15 of each school year, provide a list of scheduled day drills in their school buildings on their website. There is also discussion about AED's and AED drills; governing bodies of schools shall adopt and administer a cardiac response plan for the school, including their use and regular maintenance, and the activation of the cardiac response team plan.

Administrative Rules Update

All rules are status quo from last meetings update except:

The Health Care Rules which adopts the 2012 NFPA, Life Safety Code, are scheduled for Public Hearing on July 29, 2014.

Additionally, on April 18, 2014, the Centers for Medicare and Medicaid Services (CMS) issued a Notice of Proposed Rulemaking for Fire Safety Requirements also adopting the 2012 LSC with amendments. The comment period closed June 16, 2014.

Unfinished Business

Bureau contact information was included in each board member's packet as requested at the last meeting. Dr. Mossallam asked that it be sent electronically to each member as well.

FW Appeals/MAHS/Payments

There were a total of 11 appeals. Fireworks Depot and Patriot appealed to MAHS. A meeting was held with Patriot Fireworks and regarding the contesting of the 3 violations that was going to MAHS. The Administrative Law Judge recommended we work it out. We worked out some of the issues. One will be a NFPA decision; using containers for stores. There locking these containers; we recommended they remove the locking mechanism during store hours, that way no one could accidentally get locked in when the unit closes and latches. The container must be manually locked.

Second, Fireworks Depot, we worked it out with them as well. This was in relation to the third exit and exiting through that using it as a storage facility. We will not allow him to use it as storage facility.

New Business

Public Assemblage Adhoc which was covered above.

NEXT MEETING DATE

The next meeting will be held **Thursday, September 25, 2014, at 1:00 p.m.**, at 3101 Technology Blvd., Suite H, Lansing, MI.

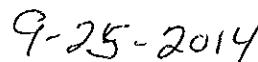
ADJOURMENT

A **MOTION** was made by Board Member Renneberg and **MOTION SUPPORTED** by Board Member Jensen to adjourn the meeting at 2:10 p.m. **MOTION CARRIED.**

Approved



Chair, State Fire Safety Board



Date